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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------|-------------|----------------------|---------------------|------------------|
| 09/827,950 | 04/09/2001 | Masahiro Nakano | SOA-330 | 6685 |
| 23353 | 7590 | 11/15/2005 | EXAMINER | |
| RADER FISHMAN & GRAUER PLLC | | | BUI, KIEU OANH T | |
| LION BUILDING | | | ART UNIT | PAPER NUMBER |
| 1233 20TH STREET N.W., SUITE 501 | | | | |
| WASHINGTON, DC 20036 | | | 2611 | |

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|---|------------------------|---------------------|
| Advisory Action Before the Filing of an Appeal Brief | Application No. | Applicant(s) |
| | 09/827,950 | NAKANO, MASAHIRO |
| | Examiner | Art Unit |
| | KIEU-OANH T. BUI | 2611 |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires 3 months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) They raise the issue of new matter (see NOTE below);
 (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-18, 20-21

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
 See attachment.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. Other: _____.



Krista Bui
Primary Examiner
Art Unit: 2611

Response to After Final Arguments

Applicant's arguments filed on 10/20/05 have been fully considered but they are not persuasive.

First of all, claims 1, claims 1, 20 and 21 should have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The reason was a set top box itself is just a cable decoder, and it does not have a visual screen for posting “notifications icons” to the user as repeatedly claimed and argued by the applicants. Therefore, technically speaking, the step of “software program application notifies the user by posting said notifications icons to the set top box” is misleading and incorrect descriptions of the present application (refer to Fig. 6 of the present application). It is simply being understood as whenever the e-mail or multimedia messages are pending to user/viewer, the screen (of the television set or a computer monitor) will pop up a notification icon for alert or notification; and Kung clearly discloses almost all of the claims as recited below.

Applicant argues that Kung does not teach or disclose an apparatus for filtering e-mail and notifying a user residing in a set top box, installing a software in a set top box, and a software program application residing on a set top box as cited in claims 1, 19, and 21 by pointing out to an IP central station. However, the Examiner would like to invite the applicant to take a closer look of Fig. 1 as CPE Home item 102, which can be integrated with broadband residential gateway BRG 300 interface; and refer to Figure 3 of a detailed view of the BRG 300, this interface module comprising many services and applications for getting the calls, setting up the calls, or getting e-mails and transferring e-mails by using display 338, as shown in Fig. 8, 9

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& 10 for setting up preferences in filtering e-mails and forwarding (for storing). This BRG module is a part of the set top box, refer to col. 4/lines 25-52, and importantly, each set top box needs to have a subscriber identity module or SIM card for retrieving setup information and user related information and the e-mail message can be stored locally in the set top box, refer to col. 22/line 58 to col. 23/line 22 & col. 34/lines 20-57 for terminal configurations. In addition, Figure 3 also further discloses many processors P1-P6 for processing services and applications, refer to col. 21/line 54 to col. 22/line 36 using the display with on-screen icons for retrieving a pending voicemail and/or multimedia mail message (col. 22/lines 37-60) (emphasis added, and refer to the explanation for the understanding of claim languages as pointed out by the examiner above).

Therefore, the examiner respectfully disagrees with the applicant's arguments, and Kung meets each and every limitations of pending claims as previously disclosed in a more detailed and supportive final office action and discussed herein.



Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB
Nov. 7, 2005